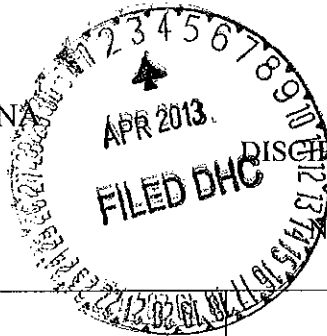


STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
13 DHC 12

THE NORTH CAROLINA STATE BAR,
Plaintiff

v.

CHRISTOPHER V. VAUGHAN, Attorney,
Defendant

COMPLAINT

Plaintiff, complaining of Defendant, alleges and says:

1. Plaintiff, the North Carolina State Bar ("State Bar"), is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar (Chapter 1 of Title 27 of the North Carolina Administrative Code).

2. Defendant, Christopher V. Vaughan ("Defendant"), was admitted to the North Carolina State Bar in 2001 and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the laws of the State of North Carolina, the Rules and Regulations of the North Carolina State Bar and the Rules of Professional Conduct.

Upon information and belief:

3. During all or part of the relevant periods referred to herein, Defendant was engaged in the practice of law in the State of North Carolina and maintained a law office in Raeford, Hoke County, North Carolina.

FIRST CLAIM FOR RELIEF

4. Paragraphs 1-3 are re-alleged and incorporated as if fully set forth herein.

5. In or around March 2011, D.M. paid Defendant \$100.00 of a \$300.00 fee Defendant charged D.M. to represent him on a speeding charge.

6. Defendant made some appearances in court to represent D.M. but ultimately failed to appear in court to represent him, failed to resolve D.M.'s speeding case, and failed to refund the \$100.00 D.M. paid him.

7. In October 2011, D.M. filed a petition for fee dispute resolution against Defendant with the N.C. State Bar Fee Dispute Resolution Program, file number 11FD0554.

8. On or about October 31, 2011, the State Bar sent Defendant a Notice of Mandatory Fee Dispute Resolution in file number 11FD0554 by certified mail to the address listed in the State Bar Membership database. Defendant was required to respond to the notice within fifteen days of receiving the letter.

9. The notice was signed for on November 2, 2011 by a member of Defendant's office staff.

10. Defendant did not respond to the notice within fifteen days as required.

11. As a result of Defendant's failure to respond to the notice or to participate in the Fee Dispute Resolution Program, the State Bar opened a grievance file against Defendant in this matter, grievance file number 11G1396.

12. On or about February 14, 2012, the State Bar sent a Letter of Notice to Defendant by certified mail to the address listed in the State Bar Membership database. Defendant was required to respond to the Letter of Notice within fifteen days of receiving the letter.

13. The Letter of Notice was signed for on February 16, 2012 by a member of Defendant's office staff.

14. Defendant did not respond to the Letter of Notice in grievance file number 11G1396 within fifteen days of receipt as required.

15. On or about March 9, 2012, the State Bar sent Defendant a follow up letter asking that Defendant respond to the Letter of Notice no later than March 21, 2012.

16. Defendant did not respond to the Letter of Notice by March 21, 2012.

17. On June 29, 2012, a State Bar investigator personally served Defendant with the Letter of Notice in 11G1396. Defendant was required to respond to the Letter of Notice within fifteen days of receiving the letter.

18. Defendant did not respond to the Letter of Notice in grievance file number 11G1396 within fifteen days of receipt as required.

19. On September 11, 2012, Defendant appeared at the North Carolina State Bar in response to a subpoena issued pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B § .0112(f).

20. On September 11, 2012, Defendant provided the State Bar with a response to the Letter of Notice in 11G1396. The response was dated July 11, 2012.

21. In his response to the Letter of Notice, Defendant stated that he had refunded D.M.'s \$100.00 on March 1, 2012.

22. D.M. passed away on December 1, 2011.

23. Deputy Counsel wrote Defendant a letter dated September 13, 2012 asking him to explain how he could have refunded D.M.'s money when D.M. was deceased.

24. Defendant did not respond to that letter.

THEREFORE, Plaintiff alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) and (b)(3) in that Defendant violated the Rules of Professional Conduct in effect at the time of the conduct as follows:

- (a) By failing to appear in court to represent his client, D.M., Defendant failed to act with reasonable diligence in representing a client in violation of Rule 3.1;
- (b) By failing to timely respond to the Letter of Notice in 11G1396, Defendant knowingly failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b);
- (c) By representing to the State Bar in response to the Letter of Notice in 11G1396 that he had refunded \$100.00 to D.M. at a time when D.M. was deceased, Defendant knowingly made a false statement of material fact in connection with a disciplinary matter in violation of Rule 8.1(a), engaged in conduct involving dishonesty, deceit, or misrepresentation in violation of Rule 8.4(c); and
- (d) By failing to respond to the Notice of Mandatory Fee Dispute Resolution, Defendant failed to participate in good faith in the fee dispute resolution process in violation of Rule 1.5(f)(2).

SECOND CLAIM FOR RELIEF

25. Paragraphs 1-24 are re-alleged and incorporated as if fully set forth herein.

26. On or about December 16, 2010, M.H. paid Defendant \$150.00 to represent her on a speeding charge.

27. Defendant failed to provide the agreed upon representation and as result of Defendant's failure to appear in court to represent M.H., the court entered a failure to appear against M.H.

28. The Clerk of Superior Court notified the North Carolina Department of Motor Vehicles that M.H. had failed to appear in court and as a result, the North Carolina Department of Motor Vehicles revoked M.H.'s driver's license.

29. In May 2012, M.H. filed a petition for fee dispute resolution with the N.C. State Bar Fee Dispute Resolution Program, file number 12FD0266.

30. On or about May 31, 2012, the State Bar sent Defendant a Notice of Mandatory Fee Dispute Resolution in file number 12FD0266 by certified mail to the address listed in the State Bar Membership database. Defendant was required to respond to the notice within fifteen days of receiving the letter.

31. Defendant personally signed for the Notice of Mandatory Fee Dispute Resolution on or about June 1, 2012.

32. Defendant failed to respond to the notice within fifteen days of receipt as required.

33. On or about June 21, 2012, the State Bar's Facilitator of the Fee Dispute Resolution Program wrote Defendant informing him that he had not timely responded to the fee dispute and informing him that if he did not respond within one week, the matter would be turned over to the grievance committee.

34. Defendant did not respond to the letter.

35. As a result of Defendant's failure to respond and participate in the Fee Dispute Resolution Program, the State Bar opened a grievance against Defendant in this matter, file number 12G0655.

36. On or about August 1, 2012, the State Bar sent a Letter of Notice to Defendant by certified mail to the address listed in the State Bar Membership database. Defendant was required to respond to the Letter of Notice within fifteen days of receiving the letter.

37. The Letter of Notice was signed for on August 3, 2012 by a member of Defendant's office staff.

38. Defendant did not respond to the Letter of Notice in grievance file number 12G0655 within fifteen days of receipt as required.

39. On September 11, 2012, Defendant appeared at the North Carolina State Bar in response to a subpoena issued pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B § .0112(f).

40. On September 11, 2012, Defendant acknowledged to State Bar Deputy Counsel Fern Gunn Simeon that he had failed to handle M.H.'s case. Defendant also informed Deputy Counsel that he had refunded M.H.'s \$150.00, paid her reinstatement fee, and gotten the driving while license revoked charge dismissed.

41. Defendant did not refund M.H.'s \$150.00, pay her reinstatement fee, or get the driving while license revoked charge dismissed.

THEREFORE, Plaintiff alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) and (b)(3) in that Defendant violated the Rules of Professional Conduct in effect at the time of the conduct as follows:

- (a) By failing to appear in court to represent his client, M.H., Defendant failed to act with reasonable diligence in representing a client in violation of Rule 3.1;
- (b) By failing to timely respond to the Letter of Notice in 12G0655, Defendant knowingly failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b);
- (c) By representing to the State Bar in response to the Letter of Notice that he had refunded M.H.'s \$150, paid her reinstatement fee, and gotten the driving while license revoked charge dismissed, Defendant knowingly made a false statement of material fact in connection with a disciplinary matter in violation of Rule 8.1(a), and engaged in conduct involving dishonesty, deceit, or misrepresentation in violation of Rule 8.4(c); and
- (d) By failing to respond to the Notice of Mandatory Fee Dispute Resolution, Defendant failed to participate in good faith in the fee dispute resolution process in violation of Rule 1.5(f)(1).

THIRD CLAIM FOR RELIEF

- 42. Paragraphs 1-41 are re-alleged and incorporated as if fully set forth herein.
- 43. On or about February 3, 2011, R.L. filed a pro se motion for appropriate relief in Hoke County Superior Court.
- 44. On October 18, 2011, the Honorable Richard T. Brown ordered a hearing on R.L.'s motion for appropriate relief and appointed Defendant to represent R.L.
- 45. On or about February 14, 2012, R.L. filed a grievance with the State Bar against Defendant, file number 12G0288, alleging that he had inadequate communication from Respondent about his matter.
- 46. A State Bar employee with the Attorney-Client Assistance Program made numerous attempts to contact Defendant by phone, e-mail, and U.S. Mail but Defendant did not respond.
- 47. On or about April 10, 2012, the State Bar sent Defendant a Letter of Notice in 12G0288 regarding the grievance filed by R.L. by certified mail to the address listed in the State Bar Membership database. Defendant was required to respond to the Letter of Notice within fifteen days of receiving the letter.
- 48. The Letter of Notice was signed for on April 11, 2012 by a member of Defendant's office staff.

49. Defendant failed to respond to the Letter of Notice within fifteen days of receipt as required.

50. On September 11, 2012, Defendant appeared at the North Carolina State Bar in response to a subpoena issued pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B § .0112(f).

51. On September 11, 2012, Defendant provided the State Bar with a response to the Letter of Notice in 11G1396. The response was dated July 11, 2012.

52. In his response, Defendant asserted that there had been a hearing on the motion for appropriate relief and intimated that he had completed his representation of R.L.

53. At the time Defendant submitted his response to the State Bar, there had not been a hearing on R.L.'s motion for appropriate relief nor had the Defendant completed his representation of R.L.

THEREFORE, Plaintiff alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) and (b)(3) in that Defendant violated the Rules of Professional Conduct in effect at the time of the conduct as follows:

- (a) By failing to timely respond to the Letter of Notice in grievance file number 12G0288, Defendant knowingly failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b); and
- (b) By representing to the State Bar in response to the Letter of Notice that there had been a hearing on R.L.'s motion for appropriate relief when there had not been a hearing and by intimating that he had completed his representation of R.L. when he had not, Defendant knowingly made a false statement of material fact in connection with a disciplinary matter in violation of Rule 8.1(a), and engaged in conduct involving dishonesty, deceit, or misrepresentation in violation of Rule 8.4(c).

FOURTH CLAIM FOR RELIEF

54. Paragraphs 1-53 are re-alleged and incorporated as if fully set forth herein.

55. On or about May 12, 2011, T.M. filed a grievance against Defendant with the State Bar, grievance file number 11G0583.

56. On or about May 17, 2011, the State Bar sent Defendant a Letter of Notice in 11G0583, regarding the grievance filed by T.M. by certified mail to Defendant's home address. Defendant was required to respond to the Letter of Notice within fifteen days of receiving the letter.

57. The Letter of Notice in grievance file number 11G0583 was returned to the State Bar unclaimed on June 13, 2011.

58. On or about June 14, 2011, the State Bar sent the Letter of Notice in grievance file number 11G0583 to the Cumberland County Sheriff for service on Defendant at his home address.

59. On or about June 20, 2011, the Letter of Notice in grievance file number 11G0583 was returned unopened.

60. On or about July 29, 2011, the State Bar again sent Defendant a Letter of Notice in grievance file number 11G0583 regarding the grievance filed by T.M. by certified mail to the address listed in the State Bar Membership database. Defendant was required to respond to the Letter of Notice within fifteen days of receiving the letter.

61. The Letter of Notice in grievance file number 11G0583 was signed for on August 1, 2011 by a member of Defendant's office staff.

62. Defendant did not respond to the Letter of Notice in grievance file number 11G0583 within fifteen days of receipt as required.

63. On or about September 2, 2011, the State Bar sent Defendant a follow up letter asking that Defendant respond to the Letter of Notice in grievance file number 11G0583 no later than September 16, 2011.

64. In a letter dated September 13, 2011 and received by the State Bar on September 22, 2011, Defendant responded to the Letter of Notice in grievance file number 11G0583.

65. On or about January 23, 2012, G.S. filed a grievance against Defendant with the State Bar, grievance file number 12G0289.

66. On or about April 10, 2012, the State Bar sent Defendant a Letter of Notice in grievance file number 12G0289 regarding the grievance filed by G.S. by certified mail to the address listed in the State Bar Membership database. Defendant was required to respond to the letter of Notice within fifteen days of receiving the letter.

67. The Letter of Notice in grievance file number 12G0289 was signed for on April 11, 2012 by a member of Defendant's office staff.

68. Defendant did not respond to the Letter of Notice in grievance file number 12G0289 within fifteen days of service as required.

69. On or about May 7, 2012, the State Bar sent Defendant a follow up letter asking that Defendant respond to the Letter of Notice in grievance file number 12G0289 no later than May 18, 2012.

70. Defendant did not respond to the Letter of Notice in grievance file number 12G0289 by May 18, 2012.

71. On or about January 17, 2012, J.C. filed a grievance against Defendant with the State Bar, grievance file number 12G0046.

72. On June 29, 2012, a State Bar investigator personally served Defendant with the Letters of Notice in grievance file numbers 12G0046 and 12G0289. Defendant was required to respond to the Letters of Notice within fifteen days of receiving the letter.

73. Defendant did not respond to the Letters of Notice in grievance file numbers 12G0046 and 12G0289 within fifteen days of receipt as required.

74. On September 11, 2012, Defendant appeared at the State Bar in response to a subpoena issued pursuant to 27 N.C. Admin. Code Chapter 1, Subchapter B § .0112(f).

75. On September 11, 2012, Defendant provided the State Bar with responses to the Letters of Notice in 12G0046 and 12G0289. The responses were dated July 11, 2012.

THEREFORE, Plaintiff alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) and (b)(3) in that Defendant violated the Rules of Professional Conduct in effect at the time of the conduct as follows:

- (a) By failing to timely respond to the Letters of Notice in grievance file numbers 11G0583, 12G0046, and 12G0289, Defendant knowingly failed to respond to a lawful demand for information from a disciplinary authority in violation of Rule 8.1(b).

WHEREFORE, Plaintiff prays that:

1. Disciplinary action be taken against Defendant in accordance with N.C. Gen. Stat. § 84-28(a) and § .0114 of the Discipline and Disability Rules of the North Carolina State Bar (27 N.C.A.C. 1B § .0114), as the evidence on hearing may warrant;
2. Defendant be taxed with the administrative fees and costs permitted by law in connection with this proceeding; and
3. For such other and further relief as is appropriate.

The 3rd day of April, 2013.

Margaret M. Hunt

Margaret M. Hunt, Chair
Grievance Committee

Mary D. Winstead

Mary D. Winstead
Deputy Counsel
State Bar No. 9778
The North Carolina State Bar
P.O. Box 25908
Raleigh, NC 27611
919-828-4620

Attorney for Plaintiff